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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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ALFRED L HAFFNER JR
MORGAN & FINNEGAN LLP
345 PARK AVENUE
NEW YORK NY 10154

PM82/0803

EXAMINER

GREEN, M

ART UNIT	PAPER NUMBER
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3682

DATE MAILED:

08/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 7-25-01

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. This action is in response to Applicant's request for an RCE filed July 25, 2001, the amendment filed June 4, 2001 has now been entered, claims 1-13 are pending.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At the end of claim 4, it is unclear what is meant by "integrally mounted on the base frame" since the body does not come into direct contact with the base frame.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 6-10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (see Figure 2) which discloses an axle housing assembly comprising an axle housing having a differential housing with a body (23) and a pair of axle tubes (not numbered), the body being integrally formed, support means (29) for supporting the axle housing to a base frame (28), a repulsive force receiving member (30, 30a) on the body for coupling to the support means, wherein the support means includes a pair of axle brackets (29), a repulsive force receiving bolt (31), the axle brackets including a thick portion (29a), a nut (32) engaging with the

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bolt, the nut located in an upper portion of the differential housing (since no frame of reference has been established, any direction can be considered up).

6. Claims 1-10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Herzog which discloses an axle housing assembly comprising an axle housing having a differential housing (8) with a body (bottom half of 8) and a pair of axle tubes (25), the body (bottom half of 8 only) being integrally formed, support means (1, 23) for supporting the axle housing to a base frame (26), a repulsive force receiving member (12, see Figure 5) integrally formed on the body for coupling to the support means, wherein the differential housing includes a cover (top half of 8), wherein the support means includes a pair of axle brackets (23), a repulsive force receiving bolt (see Figure 9), the axle brackets including a thick portion (12, see Figure 4), a nut (see Figure 9) engaging with the bolt, the nut located in an upper portion of the differential housing (since no frame of reference has been established, any direction can be considered up).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Pegg. Yamamoto discloses the axle housing assembly as previously discussed, but does not disclose a recess surrounding the through hole for recessing the head of the bolt. Pegg discloses a recess surrounding a through hole for recessing the head of a bolt (13). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto by including a recess surrounding the through hole for recessing the head of the bolt in view of Pegg for the purpose of preventing anything from catching on the bolt head.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herzog in view of Pegg. Herzog discloses the axle housing assembly as previously discussed, but does not disclose a recess surrounding the through hole for recessing the head of the bolt. Pegg discloses a recess surrounding a through hole for recessing the head of a bolt (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herzog by including a recess surrounding the through hole for recessing the head of the bolt in view of Pegg for the purpose of preventing anything from catching on the bolt head.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arakawa et al. discloses an axle housing assembly including repulsive force receiving bolts; however, it does not disclose a bolt which passes through both a repulsive force receiving member integrally formed on the body of the housing and the bracket.

11. Applicant's arguments filed June 4, 2001 have been fully considered but they are not persuasive.

12. Applicant argues that Yamamoto does not disclose a pair of axle tubes mounted on the body where the body is integrally formed; however, by calling element 23 alone the body, Yamamoto does disclose a pair of axle tubes mounted on the body where the body is integrally formed. It is only by the further limitations in claims 2 and 5 which recite a cover mounted on the

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body (since element 30 is now being referred to as the repulsive force receiving member, there is no other element which can be called a cover) and the repulsive force receiving member including a portion integrally formed on the body (element 30 is now being referred to as the repulsive force receiving member and it is not integrally formed on the body 23) which patentably distinguish over Yamamoto.


13. Applicant argues that Herzog does not disclose a pair of axle tubes mounted on the body where the body is integrally formed; however, the axle tubes are mounted to both halves 8, therefore, the axle tubes are mounted to an integrally formed body- wherein the body is the bottom half of 8 only. The fact that they are also mounted to the upper half of 8 is irrelevant.

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mimi Green at (703) 305-6306.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, David Bucci, can be reached at (703) 308-3668. The fax number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 308-2168.

MG
August 1, 2001


MARY ANN GREEN
PRIMARY EXAMINER
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